



Records and Election Services
(City Clerk)
1685 Main Street, Room 102
PO Box 2200
Santa Monica
CA 90407-2200

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

July 29, 2016

44 August 16, 2016

Los Angeles County Board of Supervisors
Attn: Lori Glasgow, Executive Officer, Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, California 90012

LORI GLASGOW
EXECUTIVE OFFICER

Honorable Members:

At your meeting of July 12, 2016, you approved this City's request for consolidation of our Municipal Election with the County's Statewide General Election to be held on November 8, 2016.

Enclosed for your consideration is a certified copy of a resolution adding a ballot measure to the Santa Monica General Municipal Election and a request to consolidate Santa Monica's municipal election with the County's Statewide General Election. Resolution Number 10978 was adopted by the City Council of the City of Santa Monica at their regular meeting of July 26, 2016.

Resolution No. 10978 (CCS) is entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA PLACING ON THE BALLOT A MEASURE AMENDING CITY CHARTER ARTICLE XXII, THE CITY OF SANTA MONICA TAXPAYER PROTECTION AMENDMENT OF 2000, TO EXTEND AND TO CLARIFY ITS PROVISIONS"

The Ballot language is as follows:

PROPOSITION " ": Shall Article XXII of the City Charter be amended to, among other things: expand the prohibition against kickbacks as rewards for certain official actions, create an exemption for volunteers serving certain City-funded non-profits, clarify the application of the Article's prohibitions, the City Attorney's authority and enforcement responsibilities, and the scope of available remedies?

It is respectfully requested that this measure be considered at your next meeting of the Board of Supervisors of Los Angeles County, pursuant to California Election Code Sections 10400, 10401, and 10403 and be added to the City's Municipal Election consolidation.

Board of Supervisors
Page Two
July 27, 2016

Sincerely,

A handwritten signature in blue ink that reads "Denise Anderson-Warren". The signature is written in a cursive style.

Denise Anderson-Warren
City Clerk, CMC

DAW/md

Enclosures

cc: Los Angeles County Registrar-Recorder, Elections Division

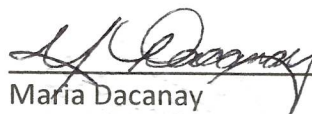


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State of California
County of Los Angeles
City of Santa Monica

I, Maria Dacanay, Administrative Analyst to the City Clerk of the City of Santa Monica, do hereby certify that to the best of my knowledge and belief the foregoing is a full, true and correct copy of the Resolution 10978 (City Council Series), "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA PLACING ON THE BALLOT A MEASURE AMENDING CITY CHARTER ARTICLE XXII, THE CITY OF SANTA MONICA TAXPAYER PROTECTION AMENDMENT OF 2000, TO EXTEND AND TO CLARIFY ITS PROVISIONS", which is on file in The City Clerk's Department, and that I have carefully compared the same with the original(s).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Santa Monica, this 27th day of July, 2016.



Maria Dacanay
Administrative Analyst, City Clerk's Office
City of Santa Monica

RESOLUTION NUMBER 10978 (CCS)
(City Council Series)

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SANTA MONICA PLACING ON THE BALLOT A MEASURE
AMENDING CITY CHARTER ARTICLE XXII, THE CITY OF SANTA MONICA
TAXPAYER PROTECTION AMENDMENT OF 2000, TO EXTEND AND TO CLARIFY
ITS PROVISIONS

WHEREAS, the City Council wishes to place before the voters a measure that would amend City Charter Article XXII, the City of Santa Monica Taxpayer Protection Amendment of 2000, also sometimes referred to popularly as the "Oaks Initiative", to strengthen and to better effectuate the provisions of Article XXII; and

WHEREAS, pursuant to California Elections Code Section 10403, the City Council has previously requested that the County of Los Angeles consent and agree to the consolidation of all aspects of a General Municipal Election with the Statewide General Election scheduled for Tuesday, November 8, 2016, for the purpose of the election of Members of the Santa Monica City Council, the Santa Monica Rent Control Board, the Santa Monica-Malibu Unified School District, and the Santa Monica College Community College District.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES RESOLVE AS FOLLOWS:

SECTION 1. That a measure is to appear on the November 8, 2016 ballot as follows:

PROPOSITION " ": Shall Article XXII of the City Charter be amended to, among other things: expand the prohibition against kickbacks as rewards for certain official actions, create an exemption for volunteers serving certain City-funded non-profits, clarify the application of the Article's prohibitions, the City Attorney's authority and enforcement responsibilities, and the scope of available remedies?	Yes <hr/> No
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SECTION 2. That the City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors and with the election department of the County of Los Angeles.

SECTION 3. That the City of Santa Monica recognizes that additional costs may be incurred by the County by reason of the addition of this measure to the ballot and agrees to reimburse the County for any additional costs.

SECTION 4. That the City Clerk shall transmit to the City Attorney, in accordance with applicable law, a copy of the proposed measure. The City Attorney shall prepare an impartial analysis of it, which shall not exceed 500 words in length. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments. In accordance with applicable law, not less than 10 calendar days before the City Clerk submits the official election materials for printing, the City Clerk shall make a copy of all applicable elections materials available for public examination in the City Clerk's Office.

SECTION 5. The City Council authorizes its members, as follows, to file written arguments for or against the measure described above and which is contained in Exhibit 1 to this Resolution, which Exhibit is incorporated by reference herein:

FOR: Councilmembers Himmelrich, McKeown, and O'Connor

AGAINST: _____

All written arguments filed by any person in favor of or against any measure, including any rebuttal arguments, shall be accompanied by the names and signatures of the persons submitting the arguments as required by applicable law, and any names, signatures and arguments may be filed until the time and date fixed by the City Clerk in accordance with applicable law, after which no change may be submitted to the City Clerk unless permitted by law.

SECTION 6. The City Clerk shall cause the text of the measure, which is contained in Exhibit 1 to this Resolution, together with the City Attorney's impartial analysis, and any arguments for or against the measure, as well as any rebuttal, to be mailed to all qualified voters with the sample ballot. In addition to other notices and publications required by law, the City Clerk shall cause the text of the measure to be published once in the official newspaper and in each edition thereof during the day of publication, which shall be not less than forty (40) days and not more than sixty (60) days before the General Municipal Election.

SECTION 7. The provisions of Resolution Numbers 10964(CCS), 10965(CCS) and 10966(CCS) are referred to and incorporated into this resolution for more particulars concerning the conduct of the General Municipal Election to be held on November 8, 2016; and in all respects, the election shall be held and conducted as required by applicable law. The City Clerk is authorized and directed to procure and furnish any official ballots, notices, printed materials and all supplies or equipment that may be necessary in order to properly and lawfully conduct the election.

SECTION 8. The City Clerk shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AS TO FORM:


MARSHA JONES MOUTRIE
City Attorney

**CITY COUNCIL PROPOSED MEASURE TO AMEND CITY CHARTER ARTICLE XXII -
THE CITY OF SANTA MONICA TAXPAYER PROTECTION AMENDMENT OF 2000 –
SO AS TO EXTEND AND TO CLARIFY ITS PROVISIONS**

WHEREAS, the City Council wishes to place before the voters a measure that would amend City Charter Article XXII, the City of Santa Monica Taxpayer Protection Amendment of 2000, also sometimes referred to popularly as the "Oaks Initiative", to strengthen and to better effectuate the provisions of Article XXII.

NOW, THEREFORE,

Section 1. Article XXII of the Santa Monica City Charter is amended as follows:

2202. Definitions.

(a) As used herein, the term public benefit does not include public employment in the normal course of business for services rendered, but includes a contract, benefit, or arrangement between the City and any individual, corporation, firm, partnership, association, or other person or entity to:

(1) provide personal services of a value in excess of \$25,000 over any 12 month period,

(2) sell or furnish any material, supplies or equipment to the City of a value in excess of \$25,000 over any 12 month period,

(3) buy or sell any real property to or from the City with a value, in excess of \$25,000, or lease any real property to or from the City with a value in excess of \$25,000 over any 12 month period,

(4) receive an award of a franchise to conduct any business activity in a territory in which no other competitor potentially is available to provide similar and competitive services, and for which gross revenue from the business activity exceeds \$50,000 in any 12 month period,

(5) confer a land use variance, special use permit, or other exception to a pre-existing master plan or land use ordinance pertaining to real property where such decision has a value in excess of \$25,000,

(6) confer a tax abatement, exception, or benefit not generally applicable of a value in excess of \$5,000 in any 12 month period,

(7) receive cash or specie of a net value to the recipient in excess of \$10,000 in any 12 month period.

(b) Those persons or entities receiving public benefits as defined in Section 2202(a)(1)-(7) shall include the individual, corporation, firm, partnership, association, or other person or entity so benefiting, and any individual or person who, during a period where such benefit is received or accrues,

(1) has more than a ten percent (10%) equity, participation, or revenue interest in that entity, or

(2) who is a trustee, director, partner, or officer of that entity- or of another entity that owns or controls the entity receiving the public benefit, excepting persons serving in those

capacities as volunteers, without compensation, for organizations exempt from income taxes under Section 501(c)(3), (4), or (6) of the Internal Revenues Code. However, this exception shall not apply if the organization is a political committee or controls political committees as defined by California Government Code Section 82013 or 2 U.S.C. Section 431(4) or successor provisions.

(c) As used herein, the term personal or campaign advantage shall include:

(1) any gift, honoraria, emolument, or personal pecuniary benefit of a value in excess of \$50;

(2) any employment for compensation;

(3) any campaign contributions for any elective office said official may pursue.

(d) As used herein, the term public official includes any elected or appointed public official acting in an official capacity. This includes, but is not limited to: City Council members, Planning Commission members, and the City Manager and Department Heads and their designees who confer "public benefits" as defined in this section.

2203. City public official shall not receive personal or campaign advantage from those to whom they allocate public benefits.

(a) No City public official who has exercised discretion to approve and who has approved or voted to approve a public benefit as defined in Section 2202(a) may receive a personal or campaign advantage as defined in Section 2202(c) from a person as defined in Section 2202(b) and no person or entity who has received a public benefit may confer a personal or campaign advantage upon a public official who exercised discretion to

confer that public benefit for a period beginning on the date the official approves or votes to approve the public benefit, and ending no later than:

(1) two years after the expiration of the term of office that the official is serving at the time the official approves or votes to approve the public benefit;

(2) two years after the official's departure from his or her office whether or not there is a pre-established term of office; or

(3) six years from the date the official approves or votes to approve the public benefit; whichever is first.

(b) Section 2203(a) shall also apply to the exercise of discretion of any such public official serving in his or her official capacity through a redevelopment agency, or any other public agency, whether within or without the territorial jurisdiction of the City either as a representative or appointee of the City.

(c) No City public official who has exercised discretion to approve and who has approved or voted to approve a public benefit as defined in Section 2202(a) may receive a personal or campaign advantage as defined in Section 2202(c) from a person as defined in Section 2202(B) in any geographic location, including within and outside the geographic boundaries of Santa Monica.

2206. Penalties and enforcement.

(a) In addition to all other penalties and remedies which might apply, any knowing and willful violation of this Article by a public official or a person or entity receiving a public benefit as defined in Section 2202(b) constitutes a criminal misdemeanor offense.

(b) A civil action may be brought ~~under this Article against any person~~ public official who violates this article receives a personal or campaign advantage in violation of Section 2203. A finding of liability shall subject the ~~public official~~ violation to one or more of the following civil remedies:

- (1) restitution of the personal or campaign advantage received, which shall accrue to the general fund of the City;
- (2) a civil penalty of up to five times the value of the personal or campaign advantage received;
- (3) injunctive relief necessary to prevent present and future violations of this Article;
- (4) disqualification from future public office or position within the jurisdiction, if violations are willful, egregious, or repeated.

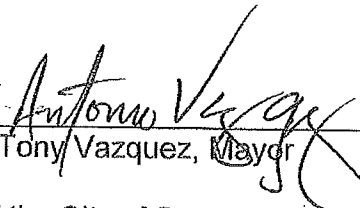
(c) A civil action under subdivision (b) of this section may be brought by any resident of the City. In the event that such an action is brought by a resident of the City and the petitioner prevails, the respondent public official shall pay reasonable attorney's fees and costs to the prevailing petitioner. Civil penalties collected in such a prosecution shall accrue 10% to the petitioner, and 90% to the City's general fund.

(d) When the City Attorney receives a complaint containing a violation of this Article from any person or entity, the City Attorney must promptly, for the purposes of assessment and prosecution, either:

- (1) Refer the complaint to the Chief Deputy of the Criminal Division or another attorney in the City Attorney's Office; or
- (2) Refer the complaint to an independent investigator hired by the City.

Section 2. If any section, subsection, sentence, clause or phrase of this measure is for any reason held to be unconstitutional or otherwise legally invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity and force of the remaining portions of this measure. The City Council hereby declares that it would have placed this City Charter amendment before the voters, and the voters declare that they would have adopted this Charter Amendment and each portion thereof regardless of the fact that any portion may be subsequently declared invalid.

Adopted and approved this 26th day of July, 2016.



Tony Vazquez, Mayor


I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Resolution No. 10978 (CCS) was duly adopted at a meeting of the Santa Monica City Council held on the 26th day of July, 2016, by the following vote:

AYES: Councilmembers Himmelrich, Davis, McKeown,
Mayor Vazquez, Mayor Pro Tem Winterer

NOES: None

ABSENT: Councilmembers O'Connor, O'Day

ATTEST:



Denise Anderson-Warren, City Clerk